

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**EVA MARISOL DUNCAN,**

**Plaintiff,**

**V.**

**JPMORGAN CHASE BANK, N.A.,**

**Defendant.**

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**CIVIL ACTION NO. 5:14-cv-00912-FB-  
JWP**

**JURY TRIAL DEMANDED**

**JOINT MOTION FOR APPROVAL OF  
WITHDRAWAL OF OBJECTION OF DONALD GORS (DOC. 35)**

**TO THE HONORABLE MAGISTRATE JUDGE JOHN W. PRIMOMO:**

Now comes Class Representative Eva Marisol Duncan, by and through Class Counsel, together with objector Donald Gors, after consultation with his attorney Patrick Sweeney<sup>1</sup>, and pursuant to F.R.Civ.P. 23(e)(5), and requests approval of the withdrawal of the Mr. Gors' Objection to the proposed settlement of this case, docketed filed at Doc. 35, and show:

1. The parties have satisfied themselves that Mr. Gors is not a class member of this class. Non-class members do not have standing to object to class action settlement. *In re Deepwater Horizon*, 739 F.3d 790, 809 (5th Cir. 2014).
2. Therefore, the parties agree that the objection should be withdrawn.
3. Concerning this withdrawal of objection, no money was sought, nor promised to or received by Mr. Gors nor his counsel.

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<sup>1</sup> Mr. Sweeney is an attorney licensed and in good standing in the states of Wisconsin and Florida. He is not admitted to practice in this Court, and joins in this motion only to signify that he represents Mr. Gors and has counseled him about the withdrawal of his objections.

Wherefore, premises considered the parties request that the Court approve the withdrawal of the Donald Gors Objection docketed at #35. The parties pray for general relief.

Respectfully submitted,

RILEY & RILEY  
Attorneys at Law  
320 Lexington Avenue  
San Antonio, Texas 78215  
(210) 225-7236 Telephone  
(210) 227-7907 Facsimile  
[charlesriley@rileylawfirm.com](mailto:charlesriley@rileylawfirm.com)

By: /s/Charles Riley  
CHARLES RILEY  
State Bar No. 24039138  
Co-Class Counsel

Patrick Sweeney  
By Ben Bingham,  
by permission granted April 9th, 2016  
Patrick Sweeney  
2590 Richardson Street  
Madison WI 53711  
310-339-0548  
[eb5venturesllc@gmail.com](mailto:eb5venturesllc@gmail.com)  
(not admitted to practice in this Court)  
Counsel for Donald Gors

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which automatically serves e-mail notification of such filing to the following counsel of record on this \_11<sup>th</sup>\_ day of April, 2016, and a true and correct copy of the above and forgoing has therefore been served on the following counsel of record for the Defendant at the e-mail addresses listed hereunder:

Noah A. Levine  
Alan E. Schoenfeld  
Fiona Kaye  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
7 World Trade Center  
250 Greenwich St.  
New York, New York 10007  
noah.levine@wilmerhale.com  
alan.schoenfeld@wilmerhale.com  
fiona.kaye@wilmerhale.com

Wm. Lance Lewis  
Kenneth A. Hill  
QUILLING, SELANDER, LOWNDS  
WINSLETT & MOSER, P.C.  
2001 Bryan Street, Suite 1800  
Dallas, Texas 75201  
llewis@qslwm.com  
[kenhill@qslwm.com](mailto:kenhill@qslwm.com)

In addition, the undersigned hereby certifies that the foregoing was served upon the objecting parties named hereinbelow via the methods indicated hereunder, on April 11, 2016:

Thomas L. Cox, Jr.  
7129 Tabor Dr.  
Dallas, TX 75231-5647  
[tcx009@yahoo.com](mailto:tcx009@yahoo.com)  
and regular mail

Shirley Morales  
Patrick John Hollins  
c/o T Michael Kennedy, LLC  
735 Plaza Blvd.  
Suite 200  
Coppell, TX 75019  
Via electronic mail and regular mail

Marilyn Paul  
130 N. Garland Court  
Chicago, IL 60602  
Via electronic mail and regular mail

T. Johnson  
54 W. Madison St.  
Chicago, IL 60601  
Via electronic mail and regular mail

R. Holstein  
130 N. Garland Court  
Chicago, IL 60602  
Via electronic mail and regular mail

Amirali Jabrani  
2038 Moondance Court  
O'Fallon, Missouri 63368  
Email: alijabrani24@gmail.com

Christopher T. Bandas  
Bandas Law Firm, P.C.  
500 N. Shoreline Blvd., Suite 1020  
Corpus Christi, Texas 78471  
Email: cbandas@bandaslawfirm.com

/s/ Charles Riley

Charles Riley  
Co-Class Counsel